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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

|                           |   |                                      |
|---------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR 07-00598 JF                   |
|                           | ) |                                      |
| Plaintiff,                | ) | STIPULATION AND <del>PROPOSED</del>  |
|                           | ) | ORDER EXCLUDING TIME FROM            |
| v.                        | ) | APRIL 2, 2008 TO APRIL 23, 2008 FROM |
|                           | ) | THE SPEEDY TRIAL ACT                 |
| EVERARDO VALENZUELA-RUIZ, | ) | CALCULATION (18 U.S.C. §             |
|                           | ) | 3161(h)(8)(A))                       |
| Defendant.                | ) |                                      |
|                           | ) |                                      |
|                           | ) |                                      |

The parties stipulate that the time between April 2, 2008 and April 23, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. § 3161(h)(8)(A).

2  
3 DATED: April 4, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

4  
5 /s/  
6 BENJAMIN T. KENNEDY  
Assistant United States Attorney

7  
8 /s/  
9 MANUEL ARAUJO  
Assistant Federal Public Defender

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between April 2, 2008 and April 23, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 4/8/08  
nunc pro tunc to 4/2/08

  
JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE